

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

SPECIAL ORDER BY CONSENT

ISSUED TO

VALLEY VIEW MOBILE HOME COURT

(VPDES Permit No. VA0027626)

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Sections 62.1-44.15(8a) and (8d) of the Code of Virginia between the State Water Control Board and Valley View Mobile Home Court, for the purposes of resolving certain violations of environmental laws and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meanings assigned to them below:

1. AVa. Code@ means the Code of Virginia (1950), as amended.
2. ABoard@ means the State Water Control Board, a permanent citizens board of the Commonwealth of Virginia as described in Va. Code ' ' 62.1-44.7 and 10.1-1184.

3. ADEQ@ means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code ' 10.1-1183.
4. ADirector@ means the Director of DEQ.
5. ARegional Office@ means the Valley Regional Office of DEQ.
6. AOrder@ means this document, also known as a Consent Special Order.
7. APermit Regulation@ means 9 VAC 25-31-10 *et seq.*, (formerly VR 680-14-01 *et seq.*).
8. AValley View MHC@ means Valley View Mobile Home Court which owns and operates the Valley View Mobile Home Court sewage treatment plant.
9. APermit@ means Virginia Pollutant Discharge Elimination System Permit No. VA0027626, which was issued September 2, 1998, expires September 2, 2003. Permit limits include pH, dissolved oxygen [D.O.], biochemical oxygen demand [BOD], total suspended solids [TSS], ammonia, and total residual chlorine [ATRC"].
10. APlant@ or AFacility@ means the Valley View Mobile Home Court sewage treatment plant.
11. ADMR@ means Discharge Monitoring Report.
12. ALON@ means a Letter of Noncompliance.
13. AVDH@ means the Virginia Department of Health/Lexington Field Office.
14. APER@ means the Preliminary Engineering Report.
15. "1998 Order" means the Consent Special Order that became effective November 17, 1998.
16. "USTs" means underground storage tanks.
17. "The County" means Rockingham County.
18. "MLSS" means mixed liquor suspended solids.

SECTION C: Findings of Facts and Conclusions of Law

1. Valley View MHC owns and operates the Facility which serves a mobile home park in Rockingham County, Virginia, which is the subject of VPDES Permit No. VA0027626. The Facility discharges to an unnamed tributary of Dry Run in the Shenandoah River subbasin and the Potomac River basin.
2. The Facility is presently subject to the 1998 Order. The 1998 Order required Valley View MHC to submit a corrective action plan to bring the Facility into consistent compliance with all Permit requirements if effluent sampling demonstrated that the Plant could not comply with final limitations and DEQ determined the need for additional corrective action. Once the corrective action plan was approved, Valley View MHC was to submit plans and specifications for the upgrades and proceed with the construction based on the schedule provided in the Order.
3. In November 1998 the Facility began to experience difficulty complying with the Permit's effluent limitations for ammonia. The Facility has experienced chronic effluent limitation violations, primarily ammonia, and has been in continuous noncompliance with its Permit effluent limitations since entering into the 1998 Order.
4. On January 7, 1999, DEQ received a report from Valley View MHC containing information on the Plant's ammonia treatment performance. Valley View MHC indicated it would explore additional corrective actions to improve the Plant's performance.
5. By letter dated February 18, 1999, DEQ requested a corrective action plan from Valley View MHC to address the ongoing noncompliance.
6. On May 7, 1999, Valley View MHC through their consultant submitted an ammonia corrective action plan that set forth a number of alternatives for improving the Plant's ammonia treatment. One of these alternatives included the possible connection to a Rockingham County sewage treatment plant that was then being proposed by the County.
7. DEQ issued Notice of Violation No. 99-VRO-09-006 on October 6, 1999, to Valley View MHC for the following apparent violations occurring during the period March 1999 through August 1999:

August 1999

- < Exceedances of ammonia average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedance of the dissolved oxygen minimum concentration limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

July 1999

- < Exceedances of BOD average concentration limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of ammonia average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedance of the dissolved oxygen minimum concentration limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

June 1999

- < Exceedances of ammonia average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedance of the dissolved oxygen minimum concentration limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

May 1999

- < Exceedances of BOD maximum concentration limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of ammonia maximum concentration limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

April 1999

- < Exceedances of ammonia average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

March 1999

- < Exceedances of TSS average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of ammonia average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

8. By letter dated November 5, 1999, Valley View MHC submitted design data for a potential

upgrade to the Plant.

9. On January 12 and January 14, 2000, DEQ staff conducted a series of compliance inspections at the Facility. These inspections found a number of apparent violations including inadequate disinfection.
10. On January 18, 2000, DEQ staff conducted a benthic stream survey in an unnamed tributary to Dry Run below the Plant's outfall. The results of this benthic survey indicated that the unnamed tributary to Dry Run had been adversely impacted by the Plant's discharge.
11. DEQ requested a meeting to discuss the resolution of the ongoing violations and Valley View MHC's failure to comply with the Permit and the 1998 Order. At a January 28, 2000, meeting, DEQ requested a compliance plan and schedule to address the above-noted violations and deficiencies, and to return the Facility to compliance with all the Permit requirements and limitations.
12. On February 16, 2000, DEQ staff conducted a follow-up inspection of the Facility to determine if corrective actions had taken place. The February 16, 2000, inspection noted inadequate disinfection and a minimum dissolved oxygen effluent limitations exceedance.
13. By letter dated February 22, 2000, DEQ requested a report describing the immediate steps Valley View MHC was taking to address the problems noted in the February 16, 2000, inspection. This letter also requested that Valley View MHC submit a plan and schedule of corrective action to ensure proper chlorination and disinfection of the effluent over the long term.
14. DEQ issued Notice of Violation No. 00-VRO-02-001 on February 25, 2000, to Valley View MHC for the following apparent violations occurring during the period September 1999 through February 2000:
 - < Alleged violation of Va. Code Section 62.1-44.5 and the State Water Control Board's General Water Quality Standards, 9 VAC-25-260-20 A and B (i.e. the failure to maintain state waters at such quality as will support the propagation and growth of all aquatic life, including game fish, and the failure to keep state waters free from substances attributable to sewage in concentrations which contravene established standards or are harmful to aquatic life).
 - < Failure to take samples representative of the monitoring activity in violation of Part I of the Permit and 9 VAC 25-31-190 (J)(1).

- < Failure to properly operate and maintain the facilities and systems of treatment in violation of Part I of the Permit and 9 VAC 25-31-190 (E).
- < Failure to report the breakdown of equipment and any resulting extraordinary or unusual discharge to state waters within 24 hours in violation of Part I of the Permit and 9 VAC 25-31-190 (L) (6).

February 16, 2000, DEQ Inspection

- < Exceedance of the chlorine contact minimum concentration limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedance of the dissolved oxygen minimum concentration limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

January 12, 2000, DEQ Inspection

- < Exceedance of the chlorine contact minimum concentration limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

January 2000

- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of BOD average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

December 1999

- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

November 1999

- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

October 1999

- < Exceedances of ammonia average loading, maximum loading, average concentration

and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

September 1999

- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

In addition to the effluent violations cited in NOV No.00-VRO-02-001, the Plant experienced effluent exceedances that were not cited in any enforcement notice. The following apparent violations occurred during the period February 2000 through April 2000 in violation of Part I of the Permit and 9 VAC 25-31-190 (A):

15.

April 2000

- < Exceedances of BOD average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of TSS maximum loading, and maximum concentration limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

March 2000

- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

February 2000

- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of BOD average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

< Exceedance of the dissolved oxygen minimum concentration limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

16. On March 7, 2000, DEQ received a letter from Valley View MHC's consultant outlining the corrective actions that had been initiated to improve the performance of the Plant and to ensure proper disinfection of the effluent.
17. By letter dated March 28, 2000, DEQ requested a plan and schedule from Valley View MHC to address the questions regarding the permeability of the Facility's lagoon. DEQ took this action in response to complaints and documentation of contamination of a drinking water well from a local landowner. The landowner's documents showed elevated fecal coliform and ammonia in his drinking water well which is located across the road from the Facility.
18. By letter dated May 25, 2000, DEQ requested a short-term corrective action plan from Valley View MHC to improve the performance of the Facility until such time as the Facility could connect to a proposed regional sewage plant. At that time of the letter, Rockingham County was developing plans to construct a regional sewage treatment plant to service an area north of the City of Harrisonburg including Valley View MHC and that the County proposed to have service available by late spring 2002. DEQ also requested a written commitment from Valley View MHC indicating that it would connect to the County's regional sewage treatment plant as soon as it is available.
19. By letter dated June 15, 2000, Valley View MHC informed DEQ that it intended to install upgrades to the Plant to improve the Plant's ammonia treatment capabilities. Valley View MHC indicated that the plans were to be submitted to VDH by June 19, 2000, for review.
20. By letter dated June 27, 2000, Valley View MHC submitted estimations of the permeability of its lagoon based on clay samples of the lagoon.
21. On July 21, 2000, DEQ received from Valley View MHC's consultant plans for the Facility's upgrade titled Valley View Temporary Treatment Upgrade.
22. By letter dated August 11, 2000, DEQ and VDH approved the plans for the Temporary Treatment Upgrade Plans for the Valley View MHC Mobile Home Park STP.
23. By letter dated August 18, 2000, Valley View MHC requested a variance to the Permit and 1998 Order requirement for lagoon permeability testing. Valley View MHC based this request on its commitment to connect to a proposed regional sewage treatment plant and given that the installation of the new upgrade would shift the primary treatment of wastewater from the lagoon

into tanks, allowing the lagoon to become a polishing pond.

24. By letter dated September 12, 2000, DEQ indicated that the variance could not be granted based on the information presented by Valley View MHC in its request. DEQ acknowledged that the August 18, 2000, submittal satisfied the intent of the 1998 Order. DEQ also acknowledged that Valley View MHC was in the process of installing additional wastewater treatment to the Plant and that this additional treatment may mitigate any impacts that could result from a leaking lagoon.
25. The Facility has provided additional treatment improvements in the form of two septic tanks at the head of the system to collect solids and two large fiberglass USTs to provide aeration and settling before the aerated lagoon. The aeration and settling tanks were installed in October 2000, to foster ammonia treatment allowing the lagoon then to act as a polishing pond. The installation of the additional treatment has not markedly improved the ammonia treatment performance of the Facility.
26. By letter dated July 13, 2001, DEQ provided Valley View MHC with suggestions for improving the Facility's performance after the Facility continued to experience effluent exceedances well after the installation of the additional treatment. The July 13, 2001, letter also requested a corrective action plan for review and approval.
27. In addition to the effluent violations cited in NOV No.00-VRO-02-001, the Plant experienced effluent exceedances that were not cited in any enforcement notice. The following apparent violations occurred during the period May 2000 through March 2001 in violation of Part I of the Permit and 9 VAC 25-31-190 (A):

March 2001

- < Exceedances of TSS average and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of ammonia maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedance of Chlorine Instantaneous Residual (Maximum) concentration in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

February 2001

- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedance of Chlorine Instantaneous Residual (Maximum) concentration in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

January 2001

- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

December 2000

- < Exceedances of ammonia average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

November 2000

- < Exceedances of ammonia average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

October 2000

- < Exceedances of BOD average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedance of the dissolved oxygen minimum concentration limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of ammonia maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

September 2000

- < Exceedances of BOD average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of TSS average loading and maximum loading limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedance of the dissolved oxygen minimum concentration limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedance of Chlorine Instantaneous Residual (Maximum) concentration in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

August 2000

- < Exceedances of BOD average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

- < Exceedance of the dissolved oxygen minimum concentration limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of ammonia average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

July 2000

- < Exceedances of BOD maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedance of the dissolved oxygen minimum concentration limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

June 2000

- < Exceedances of BOD average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of TSS average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedance of the dissolved oxygen minimum concentration limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedance of Instantaneous Chlorine Technical Minimum concentration limitation limitations in violation of Part I of the Permit and 9 VAC 25-31-190

May 2000

- < Exceedances of BOD average loading and average concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedance of the dissolved oxygen minimum concentration limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedance of Instantaneous Chlorine Technical Minimum concentration limitation limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

February 2000

- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of BOD average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedance of the dissolved oxygen minimum concentration limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

28. DEQ issued Notice of Violation No. W2001-11-V-0004 on December 13, 2001, to Valley View MHC for the following apparent violations occurring during the April 2001 through September 2001:

September 2001

- < Exceedances of BOD maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of ammonia maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

August 2001

- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

July 2001

- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of Dissolved Oxygen minimum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of Cl₂ Instantaneous Residual maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

June 2001

- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC

25-31-190 (A).

May 2001

- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of Total Chlorine Contact number of exceptions limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

April 2001

- < Exceedances of BOD average loading, maximum loading, and average concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of TSS maximum loading limitation in violation of Part I of the Permit and 9 VAC 25-31-190 (A).
- < Exceedances of ammonia average loading, maximum loading, average concentration and maximum concentration limitations in violation of Part I of the Permit and 9 VAC 25-31-190 (A).

29. On December 14, 2001, DEQ's Valley Regional Office senior management met with Valley View to discuss the Plant's history of poor performance. During the December 14, 2001, meeting Valley View was requested to take immediate steps to improve the Plant's performance and to initiate the characterization of the wastewater.
30. On February 12, 2002, Valley View MHC and DEQ met to discuss Valley View MHC's characterization of its wastewater treatment process in order to determine what additional corrective actions would be appropriate to improve the Facility's performance. As a result of this meeting DEQ requested that a plan and schedule of corrective action be submitted by March 15, 2002, for incorporation into a consent order.
31. By facsimile dated March 21, 2002, DEQ received a proposed plan and schedule of corrective action from Valley View MHC via Blackwell Engineering, consultant to Valley View MHC.
32. By letter dated April 3, 2002, Valley View MHC, via Blackwell Engineering, submitted an amended written plan of corrective action designed to improve the Facility's performance until the Facility can be taken offline. Sections of this plan and schedule have been incorporated into Appendix A of this Order.
33. Rockingham County is scheduled to construct sewer lines to connect Valley View MHC and the surrounding area with the County's collection system served by the Harrisonburg-Rockingham Regional Service Authority's North River Sewage Treatment Plant. This sewer

line project is scheduled for completion in late 2003. The Order requires Valley View to connect to the County's system once service is available.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority of Va. Code ' 62.1-44.15(8a) and (8d), orders and Valley View MHC agrees that:

1. To remedy the violations described above and bring the Facility into compliance, Valley View MHC shall perform the actions described in Appendix A to the Order.
2. Within **30 days** of the effective date of this Order, Valley View MHC shall pay a civil charge of **\$6,600** in settlement of the violations cited in this Order. Payment shall be by check, certified check, money order, or cashier's check payable to ~~A~~Treasurer of Virginia@ and sent to:

Receipts Control
Department of Environmental Quality
Post Office Box 10150
Richmond, Virginia 23240

3. This Order cancels and supersedes the 1998 Order

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Valley View MHC, for good cause shown by Valley View MHC, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notices of Violation issued to Valley View MHC by DEQ on February 25, 2000, and October 6, 1999. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the Facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Valley View MHC admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.

4. Valley View MHC consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Valley View MHC declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 9-6.14:1 *et seq.*, and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Valley View MHC to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Valley View MHC shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Valley View MHC shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Valley View MHC shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which Valley View MHC intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Valley View MHC. Notwithstanding the foregoing, Valley View MHC agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Valley View MHC. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Valley View MHC from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. By its signature below, Valley View MHC voluntarily agrees to the issuance of this Order.

And it is SO ORDERED this _____ day of _____, 2002.

Robert G. Burnley, Director
Department of Environmental Quality

Valley View Mobile Home Court voluntarily agrees to the issuance of this Order.

Date: _____ By: _____

Title: _____

State of Virginia

City/County of _____

The foregoing document was signed and acknowledged before me this

_____ day of _____, 2002, by _____
(name)

who is _____ of Valley View Mobile Home Court
(title)

Notary Public

My Commission expires:

APPENDIX A
SCHEDULE OF COMPLIANCE
VALLEY VIEW MOBILE HOME COURT
IMPROVEMENTS TO THE SEWAGE TREATMENT PLANT

1. **By August 15 , 2002**, Valley View MHC shall begin additional process control sampling in the treatment units to determine the performance characteristics of the Plant. Valley View MHC shall conduct the following additional monitoring:
 - a. sample MLSS and settleability (once per week) and pH, D.O. and temperature (5 days/week) within the 10,000-gallon aeration tank
 - b. sample BOD and ammonia (once per week) and D.O. (5 days/week) in the effluent end of the settling tank
 - c. sample BOD, TSS, ammonia in the final effluent at outfall 001 (once per week)
 - d. sample D.O. in the lagoon on a frequency of 5 days/week
2. **By August 15, 2002**, Valley View MHC shall begin once per month monitoring of the sludge depth and grease levels in the settling tanks (septic tanks) and document the measurements. Valley View MHC shall pump the settling tanks when the sludge reaches a depth of 24 inches and grease levels reach 6 inches. Valley View MHC shall document these pumping events in Facility's daily log.

3. **By August 15, 2002**, Valley View MHC shall begin to measure and record the depth of sludge in the chlorine contact tank at least once per month. Valley View MHC shall remove sludge from the chlorine contact tank when the sludge depth reaches a depth of six (6) inches or when the Facility experiences TSS violations, whichever occurs first. Valley View MHC shall document these pumping events in Facility's daily log.
4. **By August 15, 2002**, Valley View MHC shall submit to DEQ and VDH, for review, the present aeration levels/D.O. concentrations in the lagoon and, if requested, provide additional information to demonstrate and/or plans to ensure that adequate aeration levels are being provided to accomplish the proper treatment in the lagoon. Valley View MHC shall respond to any written comments on this matter made by either DEQ or VDH **within 30 days** of receipt of comments. Valley View shall implement any plans upon approval.
5. **By August 15, 2002**, Valley View MHC shall install a pump to return sludge at the effluent end of the biological settling tank with the pump flow rate controlled by either a timer or a valve allowing lower return rates. Upon installation, Valley View MHC shall begin making timer or valve adjustments to determine the return flow rate that provides optimum performance of the treatment unit and document those adjustments in the Facility's daily log.
6. **By August 15, 2002**, Valley View MHC shall ensure that the outlet structure from the final cell of the lagoon (cell after the rock filter) is properly configured to provide for a subsurface discharge from the lagoon to the chlorine contact tank.
7. **By August 15, 2002**, Valley View MHC shall increase the aeration capacity to ensure adequate aeration in both the 10,000-gallon aeration tank and the post aeration chamber and, the lagoon, if the data shows the present aeration levels are inadequate. The aeration capacity should be sufficient to increase the dissolved oxygen (D.O.) in the aeration tank to a level in the range from 2.0 ppm to 3.0 ppm. The post aeration unit shall be capable of consistently meeting permit limits for D.O.
8. Valley View MHC shall continue monitoring the performance of both the aeration tank and the biological settler tank and by **August 15, 2002**, begin to make treatment adjustments based on the unit's performance in relationship to the expected optimum.
9. **By August 15, 2002**, Valley View MHC shall submit to DEQ and VDH for review and approval informal/conceptual plans for the installation of a media for providing attached growth and/or other methods to maximize the pretreatment system. Valley View MHC shall respond to written comments regarding the plans **within 30 days** of

receipt.

10. **Within 30 days** of approval of the plans for the media for providing attached growth or other treatment improvements designed to maximize pretreatment, Valley View MHC shall complete installation of the improvement(s)
11. Valley View MHC shall continue to monitor the performance of the treatment units, make process adjustments where needed to ensure optimum performance, and operate the Plant in a workman-like fashion so as to produce the best quality effluent that the Facility is capable of producing. The monitoring information shall be submitted to DEQ along with the Facility's Discharge Monitoring Report. DEQ will consider and evaluate written requests for reduced process sampling required in this Order on the basis of Valley View MHC's demonstration that the Plant units are performing at their optimum capability after installing the improvements and making adjustments to the process. Upon receipt of written approval from DEQ, Valley View MHC may reduce the frequency of process sampling.
12. **By February 1, 2003**, Valley View MHC shall submit to DEQ and VDH for review and approval:
 - (a) its plan for the connection of the Valley View MHC Facility's wastewater flows to the new Rockingham County sewage collection system; and,
 - (b) its plan for the closure the Valley View MHC Facility. Valley View MHC shall respond to any comments from DEQ or VDH regarding either plan **within 30 days** of receipt. Upon approval by DEQ and VDH, the connection plan and the closure plan shall be incorporated into this Order by reference.
13. Valley View shall complete connection to Rockingham County's expanded collection system **within 60 days** of its availability for service. Rockingham County is presently projecting the collection system will be completed and online on or **about September 30, 2003**.
14. Valley View MHC shall complete closure of the Facility **within 180 days** of connection to the County's collection system in accordance with the approved closure plan.
15. Valley View MHC's permit is scheduled to expire September 9, 2003. The Permit's reissuance application is due **by March 6, 2003**. If, Valley View MHC has completed connection to the Rockingham County's collection system and has ceased to discharge, then Valley View MHC may forego making application for reissuance of the VPDES Permit. If, however, Valley View MHC is still discharging at that time, Valley View MHC shall submit an application for reissuance of the Permit.

The Facility will go offline and will “hook-up” with the Rockingham County Sewer Project by about September 30, 2003. DEQ is willing to extend the permit application date until **August 22, 2003**, as long as a complete application including the permit fee is received by this date. DEQ requires that you submit a letter **prior to July 22, 2003**, updating our office on the progress you have made in making connection to the County’s Sewer Project. At that time DEQ will decide the exact steps necessary to proceed.

16. No later than 14 days following a date identified in the above schedule of compliance, Valley View MHC shall submit to DEQ’s Valley Regional Office a written notice of compliance or noncompliance with the scheduled item. In the case of noncompliance, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled item.

APPENDIX B: INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

1. During the period beginning with the date of entry of this Consent Special Order and lasting until the Plant is taken offline as required in Appendix A, Valley View Mobile Home Court is authorized to discharge from outfall 001.

Such discharges shall be limited and monitored by Valley View MHC as specified below:

<u>EFFLUENT CHARACTERISTICS</u>			<u>DISCHARGE LIMITATIONS</u>				<u>MONITORING REQUIREMENTS</u>	
	<u>Monthly Average</u>		<u>Weekly Average</u>		<u>Instantaneous Limitation</u>		<u>Frequency</u>	<u>Sample Type</u>
	mg/l	kg/d	mg/l	kg/d	<u>Min.</u>	<u>Max.</u>		
BOD	23.3	1.06	37.4	1.91	NA	NA	3D/W	8HC
Ammonia	16.38	0.676	18.84	0.84	NA	NA	3D/W	24HC

NA= Not applicable